IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.4433 of 2007
DATED 6-3-2007

BETWEEN
Malla Haribabu and 8 others.

.. Petitioners

And

The Government of A.P. rep by its
Principal Secretary, Revenue (Endowments)
Department, Secretariat, Hyderabad and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.4433 of 2007

ORDER:

It is the case of the petitioners that they are the tenants in respect of shops belonging to the 4th respondent – Sri Local fund Choultry for the period from 1999-2002 and after expiry of the lease period, the same was extended for a period of another three years i.e. from 2002-2005 and as there was no valid lease or licence thereafter, the Deputy Commissioner of Endowments, Visakhapatnam initiated eviction proceedings against the petitioners and orders have been passed on 29.9.2006 holding that the petitioners are encroachers in respect of the shops in their occupation, which were initially leased out in their favour. Aggrieved

by the said orders, the petitioners filed revisions before the Regional Joint Commissioner of Endowments, who by orders dated 16.12.2006, dismissed the revisions upholding the orders of the Deputy Commissioner holding that the petitioners are encroachers as defined under Section 83 of Act 30 of 1987 and, therefore, they are liable to be evicted under Section 84 of the Act. It is stated that aggrieved by the said orders of the Regional Joint Commissioner, the petitioners filed further revisions before the Government under Section 93 of the Act on 12.2.2007. Though the writ petition is filed by 7 persons, I do not find the seven individual orders of the Deputy Commissioner as well as the Regional Joint Commissioner and the seven revision petitions stated to have been filed by the petitioners. However, the learned counsel for the petitioners states that all the petitioners have filed revisions before the Government.

In the circumstances, without expressing any opinion as to whether respondents 2 and 3 have rightly held that the petitioners are encroachers and whether the petitioners have any right whatsoever for extension of the lease, the writ petition is disposed of directing the 1st respondent to consider and dispose of the revision petitions filed by the petitioners, if any pending in accordance with law as expeditiously as possible.

V.ESWARAIAH,J

Dt.6.3.2007
msv